

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

NICHOLAS APRIL, )  
v. Plaintiff, ) Civil Action No. 06-68 Erie  
SUPERINTENDENT MARILYN )  
BROOKS, et al., )  
Defendants. )

**MEMORANDUM ORDER**

Plaintiff's civil rights complaint was received by the Clerk of Court on March 20, 2006 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's report and recommendation, filed on April 13, 2007, recommended that the motion to dismiss filed by Defendants Brooks and Overton [20] be granted, that the motion to dismiss filed by Defendant Baker [22] be granted, and that Plaintiff's claims against unnamed Defendants John and Jane Doe be dismissed in their entirety due to Plaintiff's failure to identify and serve those Defendants within the time frame established by Fed.R.Civ.P. 4(m). The parties were allowed ten (10) days from the date of service to file objections. Plaintiff filed his objections to the report and recommendation on April 26, 2007.

After de novo review of the Amended Complaint and the documents in the case, together with the Report and Recommendation and Plaintiff's objections thereto, the following order is entered:

AND NOW, this 22nd Day of June, 2007, IT IS HEREBY ORDERED that the motion to dismiss filed by Defendants Brooks and Overton [20] is GRANTED and that

the motion to dismiss filed by Defendant Baker [22] is GRANTED.

IT IS FURTHER ORDERED that, as to the Plaintiff's claims against unnamed Defendants John and Jane Doe, Plaintiff is granted sixty (60) days from the date of this order in which to engage in discovery for the purpose of identifying the unnamed Defendants and replead his claims against said Defendants.

The Report and Recommendation of Chief Magistrate Judge Susan Paradise Baxter [26] filed on April 13, 2007, is adopted, in part, as the opinion of this Court to the extent set forth herein.

s/ Sean J. McLaughlin  
SEAN J. McLAUGHLIN  
United States District Judge

cm: all parties of record  
Chief Magistrate Judge Susan Paradise-Baxter